

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 1225

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
ALLOWING INSTRUCTIONAL MATERIAL FUNDS TO BE USED FOR MATERIALS
OTHER THAN TEXTBOOKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-15-2 NMSA 1978 (being Laws 1967,
Chapter 16, Section 206, as amended) is amended to read:

"22-15-2. DEFINITIONS. --As used in the Instructional
Material Law:

A. "division" or "bureau" means the instructional
material bureau of the department;

B. "director" or "chief" means the chief of the
bureau;

C. "instructional material" means school textbooks
and other educational media that are used as the basis for

1 instruction, including combinations of textbooks, learning
2 kits, supplementary material and electronic media;

3 D. "multiple list" means a written list of those
4 instructional materials approved by the department;

5 E. "membership" means the total enrollment of
6 qualified students on the fortieth day of the school year
7 entitled to the free use of instructional material pursuant to
8 the Instructional Material Law;

9 F. "additional pupil" means a pupil in a school
10 district's, state institution's or private school's current
11 year's certified forty-day membership above the number
12 certified in the school district's, state institution's or
13 private school's prior year's forty-day membership; ~~and~~

14 G. "school district" includes state-chartered
15 charter schools; and

16 H. "other classroom materials" means materials
17 other than textbooks that are used to support direct
18 instruction to students."

19 Section 2. Section 22-15-9 NMSA 1978 (being Laws 1967,
20 Chapter 16, Section 213, as amended) is amended to read:

21 "22-15-9. DISTRIBUTION OF FUNDS FOR INSTRUCTIONAL
22 MATERIAL. --

23 A. On or before April 1 of each year, the
24 department shall allocate to each school district, state
25 institution or private school not less than ninety percent of

1 its estimated entitlement as determined from the estimated
 2 forty-day membership for the next school year. A school
 3 district's, state institution's or private school's
 4 entitlement is that portion of the total amount of the annual
 5 appropriation less a deduction for a reasonable reserve for
 6 emergency expenses that its forty-day membership bears to the
 7 forty-day membership of the entire state. For the purpose of
 8 this allocation, additional pupils shall be counted as six
 9 pupils. The allocation for adult basic education shall be
 10 based on a full-time equivalency obtained by multiplying the
 11 total previous year's enrollment by .25.

12 B. On or before January 15 of each year, the
 13 department shall recompute each entitlement using the
 14 forty-day membership for that year, except for adult basic
 15 education, and shall allocate the balance of the annual
 16 appropriation adjusting for any over- or under-estimation made
 17 in the first allocation.

18 C. An amount not to exceed fifty percent of the
 19 allocations attributed to each school district, state
 20 institution or adult basic education center may be used for
 21 instructional material not included on the multiple list
 22 provided for in Section 22-15-8 NMSA 1978, and up to twenty-
 23 five percent of this amount may be used for other classroom
 24 materials. The local superintendent may apply to the
 25 department for a waiver of the use of funds allocated for the

1 purchase of instructional material either included or not
2 included on the multiple list. If the waiver is granted, the
3 school district shall not be required to submit a budget
4 adjustment request to the department. Adult basic education
5 centers may expend up to one hundred percent of their
6 instructional material funds for items that are not on the
7 multiple list.

8 D. The department shall establish procedures for
9 the distribution of funds directly to school districts, state
10 institutions and adult basic education centers. The
11 department shall provide payment to a publisher or depository
12 on behalf of a private school for instructional material
13 included on the multiple list provided for in Section 22-15-8
14 NMSA 1978.

15 E. A school district, state institution or adult
16 basic education center that has funds remaining for the
17 purchase of instructional material at the end of the fiscal
18 year shall retain those funds for expenditure in subsequent
19 years. Any balance remaining in an instructional material
20 account of a private school at the end of the fiscal year
21 shall remain available for reimbursement by the department for
22 instructional material purchases in subsequent years. "